

Address Death on the High Seas Act, Other Legal Liability Issues Arising from Gulf Coast Oil Catastrophe

June 10, 2010

WASHINGTON, DC — Today, U.S. House Judiciary Committee Chairman John Conyers, Jr. (D-Mich.) and Congressman Charlie Melancon (LA-03) introduced HR 5503, the “Securing Protections for the Injured from Limitations on Liability Act” (SPILL Act), a comprehensive bill addressing legal liability issues arising from the Gulf Coast oil spill, including reform of the *Death on the High Seas Act*.

In a Congressional Hearing Monday in Chalmette, Congressman Melancon heard testimony from the widows of two workers who lost their lives in the Deepwater Horizon explosion. The widows urged Congress to reform the Death on the High Seas Act, a 90-year-old law that limits the amount of damages survivors can recover in the deaths of family members killed in the Gulf of Mexico oil rig explosion.

Chairman Conyers said, **“It is clear to me that many of our laws addressing liability and related issues must be updated to reflect the realities of our 21st century economy. We should not allow reckless corporations to use 19th century laws to shortchange their victims. There is simply no reason to arbitrarily limit the legal accountability of multibillion-dollar corporations at the expense of hard-working American families.”**

“The pain I’ve seen on the faces of the family members of those 11 workers is heartbreaking, and will last a lifetime for them,” said Congressman Melancon. **“It is indefensible that a 90-year-old law is protecting BP from being held fully accountable for the harm they have caused these families. I thank Chairman Conyers for working so quickly to fix the law so that BP and any other corporation that puts the safety of their workers at risk are held fully responsible.”**

The current liability regime surrounding the Gulf Coast oil disaster is exceedingly complex and outdated. In many cases, the prevailing laws were written in the mid-19th century to protect American merchant ship owners. This legislation updates the liability system to provide fairness to victims by eliminating anomalies in the law.

Specifically, HR 5503 would:

- Amend the *Death on the High Seas Act* (dating from 1920) to permit recovery of non-pecuniary damages (e.g., pain and suffering and loss of care, comfort, and companionship) by the decedent’s family, as well as standardizing the geographic threshold for its application, and permitting surviving family members to bring suit directly rather than through a personal representative.
- Amend the Jones Act (dating from 1920) to permit recovery of non-pecuniary damages by the families of seamen who are killed.

- Repeal the outmoded *Limitation on Liability Act* (dating from 1851) which limits the liability of vessel owners to the value of the vessel and its cargo.
- Clarify the class action rules so that impacted States can seek effective legal remedies in their own courts.
- Render unenforceable restrictions on disclosing information about offshore spills of oil and other pollutants.
- Strengthen bankruptcy rules to prevent corporations responsible for widespread damages under the Oil Pollution Act from seeking to sever their assets from the legal liabilities they owe to innocent victims.
- Apply these changes to pending and future legal claims.

###